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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,733	03/22/2004	Jeffrey D. Farnsworth	BOE 0476 PA (04-0092)	2732
27256	7590	03/23/2005	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034			HOLZEN, STEPHEN A	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,733

Applicant(s)

FARNSWORTH, JEFFREY D.

Examiner

Stephen A. Holzen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection has been made. The examiner had previously indicated allowable subject matter. However in view of the newfound reference Carroll the examiner withdraws his initial determination of allowability.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6, 8-12, 26, 31 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by D. B. Carroll (3,144,224).

Re – Claim 1, 12, 29: Carroll discloses an overhead module (1), stair segments (9 and 11), stair segment (9) contacts the overhead module when deployed (see Figure 1), a plurality of step elements (not specifically numbered, but visible in Figure 2), a plurality of support members coupled to the plurality of step elements (not specifically number, but visible in Figure 2).

Re – Claims 2-3, 6, 31: Figure 2 to Carroll clearly discloses all the limitations of these claims.

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Re – Claim 8: #7 is a potential energy device that couples and assists the deployment of said plurality of stair segments.

Re – Claim 9: Figure 3 illustrates an actuating system.

Re – Claim 10: #7 represents a pneumatically operated system.

Re – Claim 11: Lanyard #14 is indirectly coupled to the stairs.

Re – Claim 34: Carroll discloses a method of accessing an overhead area of an aircraft comprising: opening an aircraft overhead module (see figure 1), releasing an overhead area access staircase system having a plurality of adjacently coupled stair segments comprising overlapping portion that rest upon each other when stowed (figures 1 and 2 necessarily illustrate all the limitations), unfolding and ascending the stairs (see Figure 1), providing hand support for ascending the stair segments (the rungs can be considered “hand supports”), wherein releasing said overhead area access staircase system comprise unlocking said plurality of stair segments (see Col. 3, lines 56-74).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4,5, 7 and 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll (3,144,224). Carroll discloses a first stair segment (top

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portion of ladder) a second stair segment (lower portion of ladder) that rotates in a first direction. Carroll does not disclose a third rotatable segment. Latimer et al however discloses a three-segment ladder configured for installation in an overhead opening. (see Figures 3- 12) It would have been obvious to use a three-segment ladder, as taught by Latimer et al for the purpose of minimizing the lateral storage width necessary to store the ladder overhead.

Re – Claim 5: Latimer et al disclose a first rotation direction opposite a second rotation direction (see Figures 3-12, wherein the second segment rotates counterclockwise, and the third segment rotates clockwise.)

Re – Claim 7: Latimer et al discloses at least one potential energy device coupled to and assisting stowage of said plurality of stair segments (#19, gas spring).

Re – Claims 13-23, 30, 32, 33: Latimer et al discloses a plurality of rail element coupled to the support members (160), via a plurality of linkages (#165), having a stowed and deployed state, a plurality of rail actuating elements (hinges joints) coupled to and deploying said plurality of railing members (#165), wherein the stairs and the rails are simultaneously deployed and stowed, wherein the rail members are translated away from and maintain a parallel orientation with the stairs segments when deployed (see #160, Figures 14b, 16 and 17).

Re – Claim 24: Paragraph 0049 to Latimer discloses all the limitations of this claim.

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6. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over A. Latimer et al in view of Carroll. Latimer discloses a plurality of balusters (#805, Figure 20b), coupled to a plurality of overhead module stair segments (150) and at least one rail (160) member coupled to said plurality of balusters (#805), said plurality of balusters and said at least one rail member having a stowed state and a deployed state. Latimer does not teach connecting his ladder to an overhead aircraft module. However Carroll discloses that it well known to use a foldable ladder to access an overhead aircraft module (see Figures 1 and 2). It would have been obvious to use the 3 segments ladder of Latimer in an aircraft for the purpose of minimizing the lateral storage width necessary to store the ladder overhead.

Re – claim 26: wherein said plurality of baluster comprising at least one hinge said at least one rail member rotatable relative to said plurality of aircraft overhead module stair segments via said at least one hinge (see Figures 18, and 20b, #805, 106 and 160)

Re – Claim 27: wherein said plurality of balusters simultaneously deploys said at least one rail member with deployment of said plurality of aircraft overhead modules stair segments (see Figures 18, and 20b, #805, 106 and 160).

Re – Claim 28: wherein said at least one rail element is coupled to and translatable relative to said plurality of aircraft overhead module stair segments via a plurality of linkages (see Figures 18, and 20b, #805, 106 and 160).

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7. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Latimer et al. Carroll discloses every aspect of the present invention except wherein the stairs have rails. Latimer et al discloses that it is well known to use rails on an overhead access ladder. Latimer further discloses that it is known to unfold the overlapping portion and to deploy the rail member simultaneously (see Figures 20a and 20b), where the rail member is actuated relative to the stair segments (see Figures 20a and 20b). It would have been obvious to employee the rails of Latimer in ladder of Carroll for the purpose of increasing the safety of using a ladder (railings work to prevent one from falling off the ladder.)

8. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Latimer in view of Carroll. Latimer discloses an overhead area access staircase system having a plurality of stair segments (150) coupled to fold onto each other, having a stowed state and a deployed state (see Figure 20b), coupling said overhead module when deployed, and comprising, a plurality of step elements (150) and a plurality of support members (106) coupled to said plurality of step element and at least one railing member (160) coupled to and deployable with said plurality of stair segments. (see Figure 20b). Latimer discloses every aspect of the present invention except wherein the ladder is used to access an aircraft overhead module. However Carroll discloses that it well known to use a foldable ladder to access an overhead aircraft module (see Figures 1 and 2). It would have been obvious to use the 3 segments ladder of Latimer in an

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aircraft for the purpose of minimizing the lateral storage width necessary to store the ladder overhead.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 703-308-2484. The examiner can normally be reached on M-F 8:00-5:00. After April 4th the examiner can be reached on 571-272-6903.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. After April 4th, Mrs. Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sah



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